

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

THE NEIL CLINIC AND DR. ANAND ROY : DOCKET NO. 06-1792

VS. : JUDGE TRIMBLE

NATIONAL FIRE INSURANCE COMPANY IN THE CNA GROUP : MAGISTRATE JUDGE WILSON

REPORT AND RECOMMENDATION

Before the court is plaintiffs' motion to remand [doc. # 7].¹ This matter was removed to federal court on the basis of diversity jurisdiction. 28 U.S.C. § 1332. The motion to remand alleges that plaintiffs' claims do not exceed the requisite threshold amount for the exercise of diversity jurisdiction (\$75,000+). Plaintiffs have stipulated that their damages do not exceed \$75,000. (*See*, Roy Affidavit). Given the affidavit and stipulation, defendant has no objection to remand. (*See*, Def. Response).

Accordingly, the court finds that the amount in controversy does not exceed the minimum amount required to invoke federal diversity jurisdiction. *DeAguilar v. Boeing Co.*, 47 F.3d 1404 (5th Cir. 1995). Subject matter jurisdiction is lacking and remand is required. 28 U.S.C. § 1447(c). Accordingly,

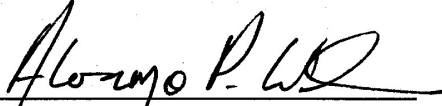
IT IS RECOMMENDED that plaintiffs' motion to remand [doc. # 7] be GRANTED.

¹ The motion has been referred to the undersigned for decision pursuant to 28 U.S.C. § 636(b)(1)(A).

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on November 21, 2006.


ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE